

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

Bureau of Consumer Financial  
Protection

Petitioner,

v.

Center for Excellence in Higher  
Education

Respondent.

Case Number: 2:19cv00877 DB

**[PROPOSED]  
ORDER TO SHOW CAUSE**

The Petitioner, the Bureau of Consumer Financial Protection (Bureau), having filed a Petition to Enforce Civil Investigative Demand (CID) against Respondent Center for Excellence in Higher Education (CEHE), the Court having considered the Petition and documents filed in support thereof, and good cause having been shown, the Court being fully advised in this matter, and there being no just cause for delay:

**IT IS HEREBY ORDERED** that on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, or as soon thereafter as the parties can be heard, the Respondent shall appear before the Honorable \_\_\_\_\_, United States District Judge, in

Courtroom \_\_\_\_\_, located at \_\_\_\_\_, to show cause, if there be any, why an Order Compelling Compliance with CID should not be granted in accordance with the Petition filed by the Bureau.

**IT IS FURTHER ORDERED** that:

1. A copy of this Order, together with the petition and its exhibits, shall be served in accordance with Rule 4(h) of the Federal Rules of Civil Procedure and 12 U.S.C. § 5562(e)(2) upon Respondent within 21 days of the date that this Order is served upon counsel for the Bureau, or as soon thereafter as possible. Pursuant to Rule 4.1(a), the Court hereby appoints Benjamin Konop, or any other person designated by the Bureau, to effect service in this case.
2. Proof of service completed pursuant to paragraph 1, above, shall be filed with the Clerk as soon as practicable.
3. Because the file in this case reflects a prima facie showing that the investigation is being conducted for a legitimate purpose, that the inquiries may be relevant to that purpose, that the information sought is not already within the Bureau's possession, and that the administrative steps required by the Consumer Financial Protection Act of 2010 and its implementing regulations have been followed, the burden of coming forward to oppose enforcement of the CID has shifted to Respondent.

4. If Respondent has any defense to present or opposition to the petition, such defense or opposition shall be made in writing and filed with the Clerk and copies served on counsel for the Bureau 21 days after Respondent has been served with this Order pursuant to paragraph 1. The Bureau may file a reply memorandum to any opposition within 14 days after Respondent has filed any opposition.

5. At the show cause hearing, only those issues brought into controversy by the responsive pleadings and factual allegations supported by the Konop declaration will be considered. Any uncontested allegation in the petition will be considered admitted.

6. Respondent may notify the Court, in writing filed with the Clerk and served on counsel for the Bureau, at least 14 days prior to the date set for the show cause hearing, that Respondent has no objection to enforcement of the CID. Respondent's appearance at the hearing will then be excused.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge